

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA)	
)	
v.)	CASE NO.: 8:24-CR-211-TDC
)	
HOAU-YAN WANG,)	
)	
Defendant.)	

**DEFENDANT HOAU-YAN WANG’S UNOPPOSED EMERGENCY MOTION
FOR EXTENSION OF PRE-TRIAL MOTIONS DEADLINE**

Defendant Hoau-Yan Wang (“Dr. Wang”), by and through his undersigned counsel and pursuant to Fed. R. Crim. P. 45(b)(1)(A), moves the Court for an extension of time to file pre-trial motions, other than motions *in limine*, and in support respectfully states that:

(1) Dr. Wang was arraigned on July 10, 2024. (Doc. 15).

(2) At the arraignment, the deadline for filing pre-trial motions, other than motions *in limine*, was set as August 7, 2024. (Doc. 20).

(3) Counsel for Dr. Wang received the first round of post-indictment discovery materials from the United States on July 30, 2024.

(4) The following day, counsel for Dr. Wang filed an unopposed motion for a twenty-one (21) day extension of the pre-trial motions deadline. (Doc. 29). Bases for the motion included:

- a. The first round production from the United States consists of over 2 million Bates-labeled pages ("the Bates-Labeled Production"), along with a 1 TB hard drive containing the images of two laptops and a 2 TB hard drive containing the images of thirteen thumb drives, an iPad, an iCloud account, a hard drive, four computer discs, and various other materials (“the Forensic Images”);

- b. Given the volume of the discovery materials, counsel for Dr. Wang knew upon receipt that it would be unlikely the materials would be imaged by a vendor and accessible to Dr. Wang's counsel for at least several days to one week; and
- c. Additional time would be required for Dr. Wang's counsel to access and review the discovery materials in order to determine whether to file and, if so, to adequately prepare potential pre-trial motions.

(5) On August 6, 2024, this Court granted Dr. Wang's motion for an extension of time to file pre-trial motions, extending the deadline to August 28, 2024. (Doc. 30).

(6) Technical data processing of the Bates-Labeled Production began immediately upon receipt. To date, that work has taken more than 360 hours, including:

- a. Approximately 92 hours of machine time to copy the Bates-Labeled Production to an internal network location;
- b. Approximately 240 hours of machine time to stage the data from the Bates-Labeled Production for uploading to a document review platform (RelativityOne); and
- c. Approximately 30 hours of engineer time to perform quality control to ensure the Bates-Labeled Production was loaded properly into the review platform, index the workspace to ensure the data is searchable, analyze/quality control test the data from the Bates-Labeled Production, and facilitate the machine-based processes described above.

(7) With respect to the Forensic Images, counsel has engaged an external forensics firm to analyze that data and attempt to de-duplicate it against the Bates-Labeled Production. That analysis is ongoing, but counsel is told that de-duplication efforts will be onerous, if not

impossible, and that the data may more than double to over 4 million pages once the Forensic Images have been fully analyzed.

(8) The process of analyzing the Forensic Images will not be completed before the current August 28, 2024 deadline to file pre-trial motions.

(9) Moreover, on August 26, 2024, the United States informed counsel for Dr. Wang that the United States would be sending counsel an additional three thumb drives of discovery production to arrive the following day, which it did, on August 27, 2024. That production is also voluminous, including more than 20,000 Bates-labeled pages and scoped copies of forensic images of eight thumb drives.

(10) Counsel for Dr. Wang has commenced and remains engaged in the initial technical processing of the discovery received on August 27, 2024.

(11) Given the volume of this second production of discovery material, the material will not be imaged and accessible to Dr. Wang's counsel until sometime after the current August 28, 2024 deadline to file pre-trial motions.

(12) Moreover, on August 27, 2024, the United States' filter team ("the Filter Team") informed Dr. Wang's counsel that it was actively engaged in efforts to prepare and produce additional material to Dr. Wang's counsel. The Filter Team did not provide information to Dr. Wang's counsel enabling an understanding of the volume of this pending production.

(13) Dr. Wang's counsel needs additional time to access and review all of the discovery materials (A) it has received from the United States to date and (B) will receive from the Filter Team in the future. Those analyses are necessary for Dr. Wang's counsel to determine whether to file, and, if so, to adequately prepare, potential pre-trial motions, including but not limited to possible motions regarding such discovery.

(14) Given the volume of discovery initially and just received and to be received from the Filter Team, and the correlated complications of processing and analyzing that data in all of its varying forms, an extension of sixty (60) days is requested, extending the deadline to October 28, 2024.

(15) This request is made in good faith and not for the purpose of delay.

(16) The ends of justice served by the continuance requested by Dr. Wang outweigh the best interests of the public and Dr. Wang in a speedy trial because Dr. Wang's counsel needs adequate time with the discovery materials before advising Dr. Wang regarding his pre-trial motion strategy options. *See* 18 U.S.C. § 3161(7)(A).

(17) Counsel for Dr. Wang has conferred with counsel for the United States, who consents to the requested extension.

WHEREFORE, Defendant respectfully prays the Court issue an order, in substantially similar form as is attached as Exhibit A, extending the time for pre-trial motions, other than motions *in limine*, for sixty (60) days to October 28, 2024.

Dated: August 27, 2024

Respectfully submitted,

/s/ Jennifer L. Beidel
Jennifer L. Beidel (*Pro Hac Vice*)
Mark Chutkow (*Pro Hac Vice*)
Joanne Zimolzak (19342)
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CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of August, 2024, I filed the foregoing Unopposed Motion for Extension of Pre-Trial Motions Deadline with the Clerk of the Court for the U.S. District Court for the District of Maryland, using the Court's CM/ECF system. The CM/ECF system sent a "Notice of Electronic Filing" to all counsel of record who have entered an appearance in this matter.

Dated: August 27, 2024

Respectfully submitted,

/s/ Jennifer L. Beidel
Jennifer L. Beidel (*Pro Hac Vice*)
Mark Chutkow (*Pro Hac Vice*)
Joanne Zimolzak (19342)
Timothy Caprez (*Pro Hac Vice*)
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**IN THE UNITED STATES DISTRICT COURT
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PROPOSED ORDER

This matter having come before the court on Defendant Dr. Hoau-Yan Wang's Unopposed Motion for Extension of Pre-Trial Motions Deadline, the Court, being duly advised, hereby GRANTS the motion and ORDERS:

(1) The deadline to file pre-trial motions, other than motions *in limine*, is extended to October 28, 2024; and

(2) The ends of justice served by the continuance requested by Dr. Wang outweigh the best interests of the public and Dr. Wang in a speedy trial because Dr. Wang's counsel needs adequate time with the discovery materials before advising Dr. Wang regarding his pre-trial motion strategy options. *See* 18 U.S.C. § 3161(7)(A).

So ORDERED on _____.

THEODORE D. CHUANG
United States District Judge